

May 28, 2003

1

TOWN OF NEW WINDSOR

PLANNING BOARD

MAY 28, 2003

MEMBERS PRESENT: JAMES PETRO, CHAIRMAN
RON LANDER
JERRY ARGENIO
THOMAS KARNAVEZOS
ERIC MASON

ALSO PRESENT: ERIC DENEGA
PLANNING BOARD ENGINEER

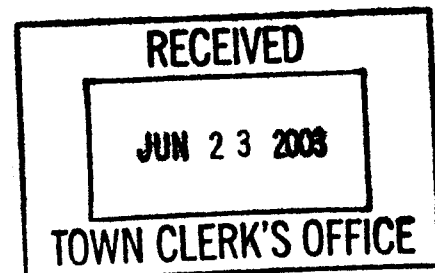
MICHAEL BABCOCK
BUILDING INSPECTOR

ANDREW KRIEGER, ESQ.
PLANNING BOARD ATTORNEY

MYRA MASON
PLANNING BOARD SECRETARY

ALSO PRESENT: NEIL SCHLESINGER

ABSENT: JIM BRESNAN



May 28, 2003

2

REGULAR MEETING:

MR. PETRO: I'd like to call the May 28, 2003 meeting of the New Windsor Planning Board to order. Please stand for the Pledge of Allegiance.

(Whereupon, the Pledge of Allegiance was recited.)

APPROVAL OF MINUTES DATED: APRIL 9, 2003

MR. PETRO: Approval of minutes dated April 9, 2003.

MR. ARGENIO: So moved.

MR. LANDER: Second it.

MR. PETRO: Motion's been made and seconded that the New Windsor Planning Board accept the minutes as written.

ROLL CALL

MR. LANDER	AYE
MR. MASON	AYE
MR. KARNAVEZOS	AYE
MR. ARGENIO	AYE
MR. PETRO	AYE

May 28, 2003

4

ANNUAL MOBILE HOME PARK REVIEW:

SARIS MOBILE HOME PARK

MR. PETRO: I don't see anybody so we'll just table it till the end of the meeting. If not, we'll try to get it on the next agenda.

PUBLIC HEARINGS:

NIMA CONTRACTING SITE PLAN (03-06)

Mr. Mario Salpepi and Nicholas Galella (phonetic) appeared before the board for this proposal.

MR. PETRO: Proposed new construction of 4,950 square foot retail office building. This plan was previously reviewed at the 26 March 2003 and 14 May, 2003 planning board meetings. The application is before the board for a public hearing at this meeting. Property is located in an NC zone district of the Town with the rear portion of the lot in an R-4 zone. The proposed retail office uses are uses by right in the NC zone. And applicant correctly indicates the overlap of the R-4 zone is acceptable. Bulk information is correct for the zone and general layout of the plan appears to be acceptable. Make your presentation to the board first and then we'll address the public.

MR. SALPEPI: Since our last meeting, we've had a couple of workshops with Mr. Edsall. I believe at this time, all of these comments have been addressed. I don't know if I need to go through them or not. Is it necessary to go down the list or I don't think it's necessary, right?

MR. PETRO: No, no, just give us what you're doing there briefly.

MR. SALPEPI: Okay, brief explanation, this property is located on Route 9W on the southbound side, it's, I'm sorry, I forgot the size of the lot, but it's almost an acre, it's a vacant lot right now. Adjoining this property our client, Nima Contracting, owns the adjoining property and he's currently under construction with exactly a replica of what we're proposing, 4,950 square foot office building. That building is almost complete and he wants to, he has purchased this property and wants to put an exact replica next to it. The lot conforms to all zoning for Town of New Windsor, we have addressed parking, lighting, landscaping, everything as required by the Town.

MR. LANDER: Let me ask you this before we go any further, is this entrance on south side right in front of the building that's the approved entrance by DOT?

MR. SALPEPI: It was--

MR. LANDER: For the existing building?

MR. SALPEPI: It was discussed, the building under construction is that what you're referring to, yes, and then it was discussed with DOT and he favored a combined entrance for the two buildings, I'm not sure what his review has been as far as the submittal to him last month.

MR. LANDER: It's a good idea anyway just the one entrance.

MR. PETRO: We have a letter stating that single access for both adjoining properties is best, please have the single access part of the planning board approval.

MR. BABCOCK: DOT approved it?

MS. MASON: Yes.

MR. PETRO: We're going to move to the public hearing and then we'll come back to the board. Okay? On the 15th day of May, 2003, 11 addressed envelopes containing the notice of public hearing were mailed out. If someone is here to speak for or against this application, just make a comment, please be recognized by the Chair, come forward and state your name and who'd like to speak? Anybody?

MR. ARGENIO: Make a motion we close the public hearing.

MR. LANDER: Second it.

MR. PETRO: Motion has been made and seconded that the New Windsor Planning Board close the public hearing for the Nima Contracting site plan on Route 9W at this time. Is there any other comment? Roll call.

ROLL CALL

MR. LANDER	AYE
MR. MASON	AYE
MR. KARNAVEZOS	AYE
MR. ARGENIO	AYE
MR. PETRO	AYE

MR. PETRO: I'll open it back up to the board for further review and comment. This is from Mr. Shaw, Shaw Engineering. I'm writing this letter on behalf of my client, Dr. Prabuh, I'm not going to read the whole letter, but the bottom line of this letter is he's concerned about the drainage system, not so much discharging on his property but the rate of discharge. He's requesting that the applicant have a storm water drainage plan generated so that we can review it and have our engineer review it. He's very concerned about getting flooded out by collecting all the water. The properties are no longer impervious to water, so it's just going to collect it and go over there at a much faster rate including 5,000 square foot of roof on top of it.

MR. LANDER: I think Mark has the same concerns as he states in his notes so I think we're going to need to do that because this is a really legitimate request.

MR. SALPEPI: What we worked on with Mr. Edsall is dry wells which I guess you know so that any immediate discharge is going to be held by the dry well and leached into the surrounding stone. Only overflow from those dry wells would go into the drainage, go into the drainage pipe that's overflow.

MR. PETRO: I'm not a proponent of the dry wells, I believe that you're correct in that they'll work for the first year or two and after we get done sanding the parking lot three or four times and the cigarette butts and all the hair and everything down in the dry wells, Mr. Prabuh is going to have his water flow, but I will do it this way, get together with Mr. Edsall and come up with a plan. I don't care what it is. If he finds it acceptable for the neighbor, for us, the board, for

you, the applicant, we'll go from there. I'm not saying you have to have the complete drainage plan, see what Mr. Edsall says when he gets back and come up with a plan to make the water problem disappear.

MR. LANDER: Where does the water cross 9W? Is it down further in front of Stewart's?

MR. BABCOCK: Look at sheet 2, goes straight out to 9W.

MR. SALPEPI: If you turn to SP2, you can see he's got an existing 24 inch CMP passing under his parking lot from that, from what's essentially a ditch on the side of his property.

MR. LANDER: Okay, 15 inch you're saying?

MR. SALPEPI: Existing 24 inch over here on the side.

MR. PETRO: Does he feel it's going to come at such a fast rate that it's going to bypass the swale and the rip-rap, is that what he's concerned about is that it's going to fill that up and keep going?

MR. SALPEPI: I don't know his concern.

MR. LANDER: Mario, all we have to do, we have the outfall here, why don't we just connect the pipe with his permission connect to the existing 24 inch.

MR. SALPEPI: We already tried, he wouldn't give us permission, hence the letter.

MR. LANDER: He wouldn't give you permission but yet he wants you to correct the problem?

MR. SALPEPI: Yes. Mr. Galella would like to answer that.

MR. GALELLA: Can I say something?

MR. LANDER: State your name.

MR. GALELLA: Nicholas Galella, 16 Gallant Drive, Newburgh. The previous building was engineered with

the same site in mind that it does have the three retention wells 8 feet in diameter and 8 feet deep so on the previous building that we put up, we're just duplicating the same drainage system and it would be the same calculation so it's engineered in a way we're not just dumping water into a creek, it's made to retain that.

MR. LANDER: Then let it out.

MR. GALELLA: For that building and that parking lot and that was engineered from Taconic Design and we replicated it on the separate lot, I think he has separate issues whether that lot should be built out and he's causing some concern.

MR. PETRO: Cause I was reading this letter from the engineer's office, evidently, Dr. Prabuh stopped and saw Dick McGoey also and evidently at one point, you told him that you had permission to tie into the line from the previous owner?

MR. GALELLA: What Mark had wanted to do was bring that pipe closer to the 24 inch CMP that's already existing there which travels under Prabuh's parking lot and I was in favor of cleaning that whole area, riprapping it and proving it and all I needed was a letter from him to say I was going to do the work on his property which would extend five feet beyond the property line onto his lot and he never signed the letter.

MR. PETRO: He's saying he's refusing to sign it, he doesn't want you over there.

MR. GALELLA: He doesn't want it improved and doesn't want me to build on that lot.

MR. LANDER: Maybe, I don't know what he's thinking.

MR. GALELLA: We moved the pipe back up on my property where it would drain on my property with the rip-rap and we're draining into an existing water creek.

MR. SALPEPI: Previously, we had it at the lowest dry well which was adjacent to it, we had it down here so

that it would dump right into the 24 inch CMP there but he wouldn't sign the letter so we had to move it back up.

MR. PETRO: We're not going to solve it, we're not going to change his mind and we're not going to design it. Get together with Mark Edsall, come up with a plan, I don't care what it is and we'll review it.

MR. GALELLA: We want back to the last workshop, we did this, Mark actually looked at it the last, we were supposed to have a public hearing prior to this month before and we did go back to a workshop before we came back to this meeting tonight and he did look at it and at that workshop, unfortunately, he's not here tonight but he did say that that was acceptable to him, so I don't know what more I'm going to give you.

MR. LANDER: It was acceptable to him but not to the other adjoining property.

MR. BABCOCK: That's the problem.

MR. PETRO: Well, I have a letter here also.

MR. GALELLA: To what extent do we have to please him? What do I have to do to--it's engineered in a way--

MR. BABCOCK: Well, you may have to keep the water on your own property and bring it out to the drainage.

MR. GALELLA: It's draining in a natural drainage course, we all have a right to use that course, there's a pipe extending from Fernwood Lane, that's actually dumping on my property and there's a pipe coming up here from a cul-de-sac that comes right down, this whole area drains down into this natural--

MR. LANDER: Exactly, the word is natural, now we're taking natural and putting impervious surface directing it to drain through pipes, directing it towards his property.

MR. GALELLA: It's going in his pipe and he owns the right for water to pass through the pipe and that's

only there for the parking lot.

MR. LANDER: I don't see, there is a drainage easement so the Town doesn't have rights to go on there.

MR. BABCOCK: No.

MR. PETRO: I'm going to say it for the third time, I'm not going to design this, get together with Mark Edsall and come up with a plan. I have another note from Dick McGoeys saying that it needs to be revised, that's all I can tell you. So come up with something.

MR. LANDER: On the shoulder of the road out there there's an existing pipe, do you know what that is? Are they existing catch basins? Yes. What's that pipe down in front, what size is that?

MR. SALPEPI: There's an existing 36 inch and existing catch basin.

MR. LANDER: That might be the way to go.

MR. SALPEPI: That's what we did on the last lot we tied into.

MR. LANDER: See what you can do, drainage was the big issue here I guess.

MR. PETRO: That's the only outstanding issue so we're going to let them work it out. Lead agency, did we do that? Motion for lead agency.

MR. LANDER: So moved.

MR. ARGENIO: Second it.

MR. PETRO: Motion has been made and seconded that the New Windsor Planning Board declare itself lead agency for the Nima Contracting Galella site plan on Route 9W. We did send out lead agency coordination letters, so that time is expired, that's one of the reasons we're going over this again. Any further discussion from the board members? If not, roll call.

ROLL CALL

MR. LANDER	AYE
MR. MASON	AYE
MR. KARNAVEZOS	AYE
MR. ARGENIO	AYE
MR. PETRO	AYE

MR. PETRO: I think we've gone as far as we can go tonight, come up with a plan to satisfy Mr. Edsall and the board that we're not impacting the property owners. Again, I don't know that a complete water plan will be necessary, as long as you come up with something that Mark's happy with so you don't have to go through the expense of doing the whole entire plan.

MR. GALELLA: Bring back the same plan and have him review that or what has to happen?

MR. BABCOCK: See, Jim, the whole problem, I talked to Mark a little bit about this and I'm, I had to go down there one day, I think Mark is saying that if it's acceptable with the board as far as dumping on somebody else's property, this will work, what he's got designed will work. So there's two things, he either can dump on Prabuh's property, an agreement with Dr. Prabuh and this way if he can't, he's got to keep the water on his own property, bring it down his own property line and tie into the existing main on 9W.

MR. GALELLA: I'm dumping into a gully not on his property.

MR. BABCOCK: But you can't let the water go onto his property.

MR. PETRO: You're making it sound more unusual. Normally, when you build, you can't dump water onto a New York State right-of-way property which would be a road. When I've built myself, I've had to pipe water a long distance because I can't let it run into the New York State highway and go into their drains. I've had to pipe it down to one culvert, it's not that unusual that you'd have to do that and your neighbor's telling you that he doesn't want the water going on his

property. So design something to make it not go there. We realize you're collecting other waters but a lot of times that's the way it is, that's the way it is. Don't sound right, right?

MR. GALELLA: No, I mean, it was done the first time with the first project and well his pipe is there, his pipe is simply there to create his parking lot regardless that it was there 50 years or what, does that mean he has the right to stop any development further up on the road?

MR. PETRO: The pipe's on his property and I think that gives him the right for no further water influx from other properties.

MR. GALELLA: He can put a block in front of it, what does he, flood out, flood out the whole side of the property? It comes to a point where he doesn't own that, he doesn't have the say to block the pipe, it's a natural course.

MR. PETRO: Put in your own pipe, you never have to talk to him again, that's the nice part about it.

MR. GALELLA: That water drains there already. If it's being retained, first storm, first flush whatever's coming beyond that is excess.

MR. PETRO: I think in common sense, you're absolutely right, I think just in reality, it's not gonna happen.

MR. GALELLA: That's unfair though to have me, I have a business to run, how many times do I have to come back because someone else is going to write another letter?

MR. SALPEPI: We're not going to use his property.

MR. PETRO: I also have a backup letter from Mr. McGoey here that says the plan needs to be revised to keep the water on your property. So it's not that we're just taking some person's word that you can't do this, in other words, I think there's enough here to warrant another look and to come up with a plan to keep the water on your own property.

MR. GALELLA: Are you suggesting I don't dump any water into that creek then?

MR. PETRO: I'm not an engineer for that, I don't know it well enough to keep, to give you an answer.

MR. GALELLA: Keep it on my land.

MR. PETRO: I would contain your own water and not impose it on your adjacent property owner, then you can do whatever you want and we'll look at it that way.

MR. GALELLA: I can see if it was running through someone's back yard and it's a stream bed, it's not like it's cutting through his back yard, it's a stream bed, I don't know.

MR. PETRO: Take a look at it and let's see.

MR. GALELLA: I'm there almost every day.

MR. PETRO: Have an engineer--who's the engineer, are you designing this?

MR. SALPEPI: Yes.

MR. PETRO: Do you have any ideas?

MR. SALPEPI: Tie into 9W like we did on the other lot, that's my idea.

MR. GALELLA: I have a 12 inch pipe running down 9W, this pipe it does 3 rings here and ties into a 12 inch pipe that runs down 9W, we're doing 3 rings and it's going into a 24 inch pipe that goes into this driveway, this length of pipe is over 150 feet, this pipe under the driveway is probably 50 feet.

MR. PETRO: Again, get in touch with Mark Edsall when he gets back, come up with some ideas and then before you actually do anything, let me know what it is or have Mark call me and we'll go over it and you have exhausted everything with your neighbor, have you ever gone over there and talked to him?

MR. GALELLA: I've been there the first time to, you know, ask him.

MR. PETRO: Try again.

MR. GALELLA: Sometimes it only agitates the situation because it can very easily go into an argument. I didn't know if he had an engineer out there so he has his direction.

MR. PETRO: You should get a copy of this letter, you'll see how strongly it's worded and Myra can give you a copy. And what we're looking at and it's not that it's just one neighbor, it's that he has a point, the water flows, you have impervious area, you have a 5,000 square foot roof, all that parking area and it's going at a faster rate on his property.

MR. GALELLA: Drainage is always a big issue but it's designed not like I'm just dumping in any old area, I chose, it's a creek, there are drainage rings there, I don't know what else, what other direction I have to do.

MR. PETRO: You design something with Mark, come up with an idea, if you want to talk to your neighbor again, I would try that and I don't know if, I don't want to get--talk to him first one more time, try that, give it a shot.

MR. GALALLA: I wish he was here tonight, we can probably get it settled. Do I have to come back to a public hearing again?

MR. PETRO: No, public hearing's over, you're done, you have to come back, you have no other issues other than the--

MR. GALELLA: I just have to satisfy the drainage.

MR. PETRO: I'd say next two weeks it can be done, come back, have a plan for the water, try and get it done, I'll put you on the next agenda as long as there's an idea and you can be done, there's no other issues.

May 28, 2003

16

MR. GALELLA: It seems unfair.

REGULAR ITEMS:

GMH SITE PLAN (02-17)

Stephan Gaba, Esq. appeared before the board for this proposal.

MR. PETRO: Proposed military and market rate multi-family housing. This project involves site plan for the development of one of the subdivision lots into 171 military housing units. Application was previously reviewed at the 26 June, 2002, 9 October, 2002, 11 December, 2003 and 26 February, 2003 planning board meetings. Corrections were complete but details regarding PILOT were not resolved. The board completed SEQRA on 26 February, 2003 covering the entire action subdivision plus both site plans, no further action is required for the SEQRA and if all are resolved with the PILOT issue, the board is considering approval of the project. Motion should be conditioned on the following, I'll get into that after we hear the presentation. You can keep it somewhat short and brief because we've seen it I think six times.

MR. GABA: We've been here many times, as the board is aware, 2 lot subdivision with site plan. We received preliminary approval and completed SEQRA in February. Since then, we've made some very minor site changes and the main outstanding issue was the PILOT agreement. I have a letter I'd like to hand up, I believe we have resolved the outstanding issues on the PILOT agreement.

MR. PETRO: Let me look at it and I can help you decide that. I want to do everything else before we get to the PILOT first, this is the 171 unit military side we're going to do it in two separate actions.

MR. GABA: That's fine.

MR. PETRO: So Eric, do you have anything from your company or from Mark that he left as far as proceeding with this as far as site plan issues, anything on the site plan itself?

MR. DENEGA: No, actually he said there are no

engineering issues.

MR. PETRO: No engineering issues?

MR. DENEGA: No.

MR. PETRO: Minutes will reflect that. I'm going to just try to keep it as simple as possible. We're going to, it's going to be two separate issues so we're going to go through this twice, okay, I have a memorandum from Mr. Crotty, who is the Town of New Windsor attorney, and I think I'm just going to read it into the minutes. There's going to be some subject-to's upon any final approvals that we do tonight. And you as representing the applicant will have to agree to them. Is there an attorney representing the applicant also?

MR. GABA: I am the attorney representing this, Paul Hannon, the applicant.

MR. PETRO: I'm going to advise you and the attorney then I have received and reviewed a copy of a letter dated May 28, 2003 from James R. Loeb, I guess that's the letter that you handed out who is the attorney for GMH Military Housing LLC to the Planning Board of the Town of New Windsor. I'm in a position to respectfully advise the planning board in reliance of Mr. Loeb's letter that I have no objection to the planning board granting conditional final approval for the two site plans and the two lot subdivision before the board. I thought we did the two lot subdivision already? That's done as far as I remember.

MR. GABA: We're asking for conditional final.

MR. PETRO: The two lot subdivision is complete, did I just say that, right?

MR. LANDER: Yes.

MR. PETRO: So we'll just strike that particular wording out of it. This is for the two site plans, the conditional final approval should be subject to the following terms and conditions as set forth in Mr.

Loeb's letter. Conditional final approval is hereby granted subject to at the time the final plans are signed and delivered to the applicant the following, Mr. Hannon, I would suggest that you pay attention to this carefully and your name again, sir, I'm sorry?

MR. GABA: Stephan Gaba.

MR. PETRO: Number one, two appropriately executed PILOT agreements are delivered to the Town, in other words, they have to be signed by both parties, the PILOT agreement for the fair market rental units shall specifically provide that the parkland fee in the amount of \$396,000, which is \$1,500 per unit times the 264 units, which is standard for the Town, shall be tendered at the time the plans are signed and delivered. And number 3, a check in the amount of \$396,000 for parkland fees and remitted simultaneously payable to the Town and number 4, an opinion of counsel satisfactory to the attorney for the Town is delivered stating that GMH or the executing entity has authority to bind the owner, the Department of the Navy, to the PILOT agreements and 5, a certificate of application and agreement regarding the purchase of sewer capacity is delivered to the Town. That would be your subject-to's, that will also be the subject-to's for both site plans. I'm just to ditto this when we do the second one. Right now, we're on the 171 units or 174?

MR. BABCOCK: 171.

MR. PETRO: 171 units on the military side, it will be for both.

MR. GABA: Okay. The only thing I would say we should have conditional and final on the subdivision, my understanding we only have preliminary.

MR. PETRO: This is approved.

MR. GABA: Okay.

MR. PETRO: I don't know that we do a preliminary on a subdivision, it's approved.

MR. GABA: Okay.

MR. PETRO: That was two meetings ago.

MR. GABA: We have final, that's great.

MR. PETRO: I'm just going over this, you have to bear with me a little bit because I was somewhat involved with doing it, I want to make sure there's no, Myra's telling me that you have to pay all the fees that are due at the signing of the plan, but I believe as it was stated in your initial letter that covered it correctly and I don't, we're not just repeating that, what you've written to us about the PILOT agreement that was indicated on that that you would pay them at the proper time. So, therefore, they are not being revised by this letter, this letter is revising what we felt was not properly indicated on the original PILOT agreement. And I think the biggest issue would be the 396,000 at the time that that would be paid in the PILOT agreement, it refers to the date 2004 or 2005, I think 2005 and that was not correct.

MR. GABA: That's right, the money has to be paid up front but it's not going to be, what's not going to be paid up front is the building permit fees and C.O. fees.

MR. PETRO: They would be paid for at the time you acquire them, but they're not subject to at the time of the signing of the plans. That's when you receive a set of plans that are signed, they're ready to go, that's when the parkland fees are due.

MR. GABA: We understand that.

MR. PETRO: As far as facing them and doing it in that nature is completely out of the question because the site plan is not phased.

MR. GABA: No problem.

MR. PETRO: Do you agree with that, Mr. Hannon?

MR. HANNON: We agree with that.

MR. PETRO: There's no further site plan issues?

MR. DENEGA: No.

MR. PETRO: This GMH site plan is the military side of the 171 units, do we have, I want to just see, do we have other approvals, Fire, Highway, I want to read them into the minutes. We have Fire approval on 10/16/2002. I'm going to do a roll call for the final approval, again, this is for the GMH site plan, the military housing and I'll take a motion to that effect.

MR. ARGENIO: So moved.

MR. LANDER: Second it.

MR. PETRO: Motion has been made and seconded that the New Windsor Planning Board grant final approval to the military housing GMH LLC for the 171 units subject to the conditions that I had previously read into the minutes dated May 28, 2003 as a memorandum from Mr. Phil Crotty, attorney for the Town of New Windsor. And I'm just going to say it one more time, everybody's in agreement with this?

MR. GABA: Yes, we are.

MR. PETRO: That's lot 2 of the subdivision, okay, roll call.

ROLL CALL

MR. LANDER	AYE
MR. MASON	AYE
MR. KARNAVEZOS	AYE
MR. ARGENIO	AYE
MR. PETRO	AYE

GMH STEWART TERRACE-MULTI FAMILY SITE PLAN (02-17)

MR. PETRO: Next on tonight's agenda is GMH Stewart Terrace site plan, 264 market rate units which is lot 1 of the GMH subdivision. This application was previously reviewed at the 26 June, 2002, 9 October, 2002, 11 December 2002, 26 February, 2003 planning board meetings. Corrections were completed for the February, 2003 meeting but details regarding the PILOT were not resolved at that time. We're going to get back into that in a second. This application proposes the following changes since the February plan reviewed relocation of the clubhouse and pool to the front of the site to the south end near the main project entrance, relocation of four units multi-story from the west side of the site to the east from where clubhouse was previously relocated and this is important here that the, I believe that the change in this which I say this is coming from Mr. Edsall, planning board engineer, I believe this a change, an improvement, the only recommendations we had to the applicant is that the parking area be provided with a clubhouse to run off first parking area on the left and that no parking be created that must back out into the main road and a hydrant access be confirmed in the area of the clubhouse, they indicated the final plans would include these items and do they?

MR. GABA: Yes.

MR. PETRO: You concur, Eric, do you have any other comments from Mr. Edsall on this site plan again?

MR. DENEGA: No, the only two items were the parking not going directly into the road and the hydrant issue that there be a hydrant relative to that location, if not, that one be added, really his only two significant comments that we discussed.

MR. PETRO: Board completed SEQRA on 26 February, 2003 covering the entire action, that was the subdivision and both sides of the site plan, no further action is required under SEQRA. We should make a note that although we did have a couple changes, we feel as a board that they are very, very minor in nature and do

not affect the overall plan and therefore do not affect the SEQRA process. If all is resolved with the PILOT issue, conditional approval of project could be considered. Planning board should require that a bond estimate be submitted for this site plan, which will also be part of your conditional approval in accordance with Chapter 19 of the Town Code. Obviously, payment of all fees which we're covering extensively. Okay, once again, we're going to go back to the PILOT agreement. This one's a little more complicated than the other side, but the agreement that you had sent I think covered it fairly well. There was a few changes which I read into earlier, I'm not going to read them again, these are the same exact changes as the military housing. I'll tell you what I'm going to do, being that it is important, I think I'll read them in one more time for this application, if you bear with me. Okay, conditional final approval should be subject to the following terms conditions and as set forth in Mr. Loeb's letter. Conditional final approval is hereby granted subject to at the time final plans are signed and delivered to the applicant the following, two appropriately executed PILOT agreements are delivered to the Town and the PILOT agreement for the fair market rental units shall specifically provide that the parkland fee in the amount of \$396,000 should be tendered at the time plans are signed and delivered and a check in the amount of \$396,000 for parkland fees is remitted simultaneously payable to the Town and an opinion of counsel satisfactory to the attorney for the Town is delivered stating that GMH or the executing entity has authority to bind the owner, Department of the Navy, to the two PILOT agreements. And a certificate of application and agreement regarding the purchase of sewer capacity is delivered to the Town. Keep in mind these are conditions, these are in addition to the PILOT agreement, these are not the only conditions.

MR. GABA: Well, yeah, some of them are terms within the PILOT agreement.

MR. PETRO: This is not replacing anything in addition to, do you agree with this?

MR. HANNON: Let me just state when we refer to the 396,000, that's the 264 market rate units?

MR. PETRO: That's correct.

MR. HANNON: But I'm not sure why that was actually attached to the military?

MR. PETRO: It's not as far as actually being implemented for the military, has nothing to do with that, that's the 42,5 and the other agreement that we had made, 75,000 plus some of the sewer district, I believe Water District 9 or 10 whatever that was, you had that correctly indicated on the original PILOT agreement, I just read that in as a condition of the entire project, so I probably should of left that out as far as the military side but it's covered both sides so we're only paying it once.

MR. HANNON: I wanted to clarify that it was not 396 times two.

MR. PETRO: You're only paying it once.

MR. GABA: Thank you.

MR. PETRO: Mr. Gaba, you agree as the attorney for GMH?

MR. GABA: That's correct.

MR. PETRO: Motion for final approval.

MR. LANDER: So moved.

MR. ARGENIO: Second it.

MR. PETRO: Fire approval on 10/16/2002. We have a motion made and seconded that the New Windsor Planning Board grant final approval to the GMH Military Housing LLC subject to the conditions I've read in twice and were agreed to by Mr. Hannon and Mr. Gaba. Any further comments from the board members?

MR. KARNAVEZOS: Yes, I have one, where the clubhouse

used to be and it's moved over down to the bottom here, there's another 4 units there, are these 4 units moved from somewhere else?

MR. GANNON: Yes, they did, if you have a copy of it right there, I can show you.

MR. KARNAVEZOS: I do.

MR. PETRO: Okay, I also have one more comment just to clarify one more time some of the members aren't aware and he's asked me a couple questions, the two percent site plan fee, any other charges that are on the other initial PILOT agreement are still in addition to what we've read in tonight, these aren't superseding anything, these are in addition to, these are conditions of final approval. Everything else on the PILOT agreement stands.

MR. GABA: That's correct.

MR. PETRO: Any further comment from any of the other members?

ROLL CALL

MR. LANDER	AYE
MR. MASON	AYE
MR. KARNAVEZOS	AYE
MR. ARGENIO	AYE
MR. PETRO	AYE

BEATTIE ROAD ASSOCIATES (02-36)

Mr. Michael Miele appeared before the board for this proposal.

MR. PETRO: Proposed five lot residential subdivision. This application proposes subdivision of 85 acres into 5 single family residential lots. The plan was previously reviewed at the 8 January, 2003, 9 April, 2003 and 14 May, 2003 planning board meetings, R-1 zone, permitted use. Two minor corrections, the limit, the 25 foot driveway easements must be depicted and roadway dedication plan of appropriate scale to be prepared. Are you aware of the two comments with Mark?

MR. MIELE: Yes, we went over them at the workshop.

MR. PETRO: Reviewed by the Highway Superintendent and I was aware of what's going on, it's under review, I talked to Mr. Kroll, there's some question as to the sight distance on the entranceway, but he felt it could be resolved with you as the applicant and he didn't want to hold it up here.

MR. LANDER: Lot 1, Mr. Chairman?

MR. PETRO: No, it's not lot 1, it's the road going in. Correct?

MR. MIELE: Correct.

MR. PETRO: That roadway, see the 50 foot right-of-way over here?

MR. LANDER: Yes.

MR. MIELE: Where the temporary driveway easement is for 2 and 3.

MR. PETRO: So I didn't, correct me if I'm saying it wrong, I think it was the wrong information was on the map.

MR. MIELE: To clarify when we shot the sight distances in October, there wasn't any vegetation, any grass in

the right-of-way and the Highway Superintendent had questioned when we were out there, I reviewed the criteria with him and after the meeting last Friday shot them again and they're still well over what's required.

MR. PETRO: Just wanted to verify that but didn't want to hold you up, so what we'll do is, Eric, you don't have any other comments from Mark, do you?

MR. DENECA: No.

MR. PETRO: Anything to hold it up?

MR. DENECA: I did speak to Henry briefly yesterday, he thought that he might be receiving some more information about the sight distances and he thought he was asking me if I would look at it if he was able to get it to me sometime today but he never sent anything over so I'm not sure if he never received that information or if he was just okay with it.

MR. LANDER: Was there anything about screening on this on lot 4?

MR. MIELE: We changed the one note previously at the last meeting that there would be no construction and we modified it to say no construction or clearing in the side yard setback.

MR. PETRO: Motion for negative dec.

MR. KARNAVEZOS: So moved.

MR. ARGONIO: Second it.

MR. PETRO: Motion has been made and seconded that the New Windsor Planning Board declare negative dec for the Beattie Road Associates major subdivision. Is there any further discussion from the board members? If not, roll call.

ROLL CALL

MR. LANDER AYE

MR. MASON	AYE
MR. KARNAVEZOS	AYE
MR. ARGENIO	AYE
MR. PETRO	AYE

MR. PETRO: Applicant should submit the descriptions of offers of dedication to the Town attorney, copy to the planning board engineer and to Myra.

MS. MASON: Bring everything to me, let me distribute it.

MR. MIELE: I left a message with the Town attorney, we're having a third map that shows metes and bounds zones.

MR. PETRO: Motion for final approval and I'll do the subject-to's.

MR. ARGENIO: So moved.

MR. LANDER: Second it.

MR. PETRO: Motion has been made and seconded that the New Windsor Planning Board grant final approval to the Beattie Road Associates subdivision, subject to approval by the Town of New Windsor Highway Department. Is there any further discussion from the board members? Roll call.

ROLL CALL

MR. LANDER	AYE
MR. MASON	AYE
MR. KARNAVEZOS	AYE
MR. ARGENIO	AYE
MR. PETRO	AYE

MR. PETRO: Thank you.

MR. MIELE: Thank you very much.

DISCUSSION

STOP LIGHT RESTAURANT

Mr. Butch Masaras appeared before the board for this proposal.

MR. PETRO: The planning board became aware that I guess Butch you were putting in some outdoor seating down by the restaurant, there was some tables and there's how many seats are outside there?

MR. MASARAS: There wouldn't be more than ten, there's only five now.

MR. LANDER: What side are they going on?

MR. MASARAS: The back side where the concrete was before the other building got knocked down. I made it look finished, just made it look finished, put a little thing, that's it.

MR. PETRO: We just happened to see it there and he was unaware, so we thought it would be a good idea if he brought it to be planning board, asked anybody if they had any objection to it. Also the building department, Mike Babcock and the planning board usually figure if there's enough park and it's three seats for one parking spot that we really don't have a problem with it.

MR. PETRO: Butch and I have no business connection at all but correct me if I'm wrong, right, Michael?

MR. BABCOCK: That's correct with the new smoking law it's just about every restaurant establishment is trying to do this.

MR. PETRO: So you're actually trying to--

MR. MASARAS: I'm trying to have the people that don't smoke, they're going to be the ones screaming so everybody will just step outside, that's what they tell me.

MR. PETRO: We also, Mike, there's ample parking down there too, right?

MR. BABCOCK: Yes.

MR. PETRO: I don't think there was even consideration for that.

MR. BABCOCK: I didn't hear the number of seats.

MR. PETRO: Approximately, ten.

MR. MASARAS: It ain't that big, that will be it.

MR. LANDER: Any other issues besides the parking that we would have to look into? Neighbors, I mean I know it's all commercial there now, does he have to have a letter from the Town or--

MR. BABCOCK: No, not at this point in time, I don't think anybody's bothering him for that. At some point in time. I don't know about drinking outside.

MR. LANDER: Do you need a letter from the Town of New Windsor for--do you have to get a cabaret license?

MR. MASARAS: I don't know that we need one.

MR. PETRO: I don't think he needs that. I just wanted him to be on record that he did it so somebody driving in there, he can say he's been to the planning board and I thought unless somebody has an objection, does anybody object?

MR. LANDER: No, I'd rather be outside.

MR. PETRO: Okay, so I don't think we'll do a roll call, there's no objection, let the minutes reflect there's no objection by the planning board and that he appeared and we find it to be fine.

MEADOWBROOK ESTATES - AUTHORIZE PUBLIC HEARING (01-42)

MR. PETRO: We're going to do this, he'll tell what you this is so everybody knows Meadowbrook Estates was in and they had the, we had a public hearing and we're going to have a through street and everybody was making comment about the through street, a lot of the people didn't want it and we felt because of the location of the roadways that we didn't think that it was really necessary, there was no spine road.

MR. LANDER: Into The Reserve?

MR. PETRO: Yes, so we had instructed or I had instructed the applicant to make a crash gate. After the meeting, I was notified by the police, the fire department, the highway department that they did not agree with my, I'll say mine because I was kind of leading the way for the crash gate and I don't want to drag you guys into it.

MR. LANDER: I think the crash gate's a good idea.

MR. PETRO: Okay then you and I, they notified you and I take that they were not in agreement, we have letters stating that they feel that it should be an open road for emergency vehicles. So I said fine, but I didn't want the people that were here to go away with the wrong impression so I'm going to have another public hearing just to inform them that's what we're doing so that's why we're going to authorize another public hearing. There's no other issues other than that so they'll come. I'm going to read the letters from the police, the fire, the highway, ambulance.

MR. KARNAVEZOS: Is it going to be open emergency road or open road?

MR. PETRO: Open road but since then and I will say on my behalf we didn't have the other side of the plan either, we only had the new plan and if you look, it's not affecting as many houses as you would think, you just come out, go right down to Mt. Airy Road.

MR. ARGENIO: We asked them to provide us with a sketch

of the other side.

MR. PETRO: Correct, so we'll have that.

MR. ARGENIO: How can we be so unanimously incorrect about something that should be a simple thing?

MR. PETRO: It started the next day I had mentioned to Mr. Kroll that we had put a, started it, started this then George says, you know, George Meyers, Town Supervisor, said, you know, maybe you should ask the other emergency people, namely the ambulance, police and once they got wind of it too, they definitely wanted it open.

MR. LANDER: Save the woods.

MR. PETRO: Can I have a motion to authorize a second public hearing?

MR. ARGENIO: So moved.

MR. LANDER: Second it.

MR. PETRO: Motion has been made and seconded that the New Windsor Planning Board authorize a second public hearing for the Meadowbrook Estates on Route 94. Is there any further discussion from the board members? If not, roll call.

ROLL CALL

MR. LANDER	AYE
MR. MASON	AYE
MR. KARNAVEZOS	AYE
MR. ARGENIO	AYE
MR. PETRO	AYE

MR. MASON: Is this going to cause the applicant more time and money to have a second public hearing?

MR. PETRO: I believe just more time.

MR. MASON: Is that really fair to them?

MR. LANDER: They've had their public hearing.

MR. ARGENIO: I have to tell you I'm in full agreement, full agreement with this public hearing and here's why, because at that meeting if all you folks remember, they were led to believe that the direction it was going was a crash gate and that's what pacified most of them. Ronny, you have a point, but I think that they need to know and Jim running the meeting can restrict the public hearing discussion and dialogue to the issue of the crash gate and I think that he will do that.

MR. LANDER: That's all well and good but if they still have an objection, their objection is for naught anyway.

MR. ARGENIO: Don't you think we have an obligation?

MR. PETRO: I keep saying I, well, I know that I was doing most of the talking, that I made a decision probably too hastily before getting information from the other agencies.

MR. ARGENIO: Have the other agencies objected to this type of thing in other areas? I just wonder what started this. All of a sudden there's been a couple since I've been here.

MR. LANDER: Park Hill was the other one the residents said they didn't want it, we didn't ask fire, police, Mobile Life, we didn't ask them.

MR. PETRO: But there was no real way out, that was a good way. This is a road and here the other thing that we have here which I really think should have been brought up more is that the road's already built, that stub is built right to the property line.

MR. SCHLESINGER: What was the objection?

MR. PETRO: They didn't want the traffic there.

MR. KARNAVEZOS: They think people are going to drive from 94 and cut all the way across.

MR. PETRO: Which is crazy if you look at the map, that's beyond crazy.

MR. SCHLESINGER: That will come back to haunt you, unless you have another public hearing.

MR. ARGENIO: No question, absolutely no question.

MR. PETRO: And to answer your question further, the applicant is not objecting, he didn't think it was a bad idea.

MR. BABCOCK: He doesn't want the problems neither.

MR. PETRO: If the applicant doesn't object and everybody's happy, we'll do it, be done, we'll put him on the second he's ready.

MR. LANDER: Not everybody can be happy.

MR. PETRO: Few people that live right by the stub.

MR. SCHLESINGER: They may not be because there's going to be through traffic which they're objective to.

MR. PETRO: Not much when you look at the map and you see where it comes out, plus they bought houses, they see the road going to that, what did they think that is?

MR. LANDER: They don't know, they figure it's a road to nowhere.

MR. BABCOCK: It's parking for their visitors.

SEGMENTATION

MR. PETRO: Do you have a comment, Mr. Lander?

MR. LANDER: Segmentation, I read an article in the paper today or yesterday about segmentation being brought under scrutiny in Marlboro by a couple of, well, couple of people. Now we were just, that was just brought up on which one was it, no, it was even another one after that, some guy was here and he was talking.

MR. ARGENIO: It was specifically the application that got approved.

MR. BABCOCK: The one who was most complaining was on the Beattie Road Associates one.

MR. LANDER: And, you know, they're right, you have to look at the whole project, but how can you look five years down the road, ten years down the road when you're supposed to look at the whole development.

MR. ARGENIO: How can you look at the whole development if they don't have houses shown in the second?

MR. PETRO: They may never build it.

MR. LANDER: They have to show that.

MR. ARGENIO: They have no intention of building it, if I were the applicant and I have no intention of building it, you told me I have to show it, I'd say wrong.

MR. PETRO: How about if I want to build a house on my 45 acres and I want to put a house up for my son, I have to show the whole development?

MR. LANDER: The argument makes sense, you have to show what you're going to do with the property.

MR. ARGENIO: I don't know what I'm going to do with it.

MR. KARNAVEZOS: The thing is what Jerry's saying too is correct, Ronny, I don't know what I'm going to do, you play devil's advocate and say I don't know what I'm doing, I might just, it's a nice neighborhood, I might take the 45 acres and build one house.

MR. PETRO: I say this all the time because people say Jim, what are you going to do with that property, you know what my answer is the standard answer, any permitted use by law, that's all I say, any permitted use by law, that's the end of it.

MR. KARNAVEZOS: If you say any permitted use by law then maybe you do have to show you're going to put the houses.

MR. PETRO: Any permitted, I'm not sure which one.

MR. LANDER: What the big problem is is not so much in Orange but in Ulster County is the sewer capacity, is your leach fields and everything else, septic, that's the big issue there and they're saying there's a few people in New Windsor that do the same thing that develop so many lots, then move on from there, but I read that article in the paper, said we just had that in New Windsor and that's, they should, don't have to but they should.

MR. PETRO: It's not segmentation what we did.

MR. ARGENIO: That was that guy that humbled you.

MR. PETRO: We reviewed five lots on 85 acres.

MR. KARNAVEZOS: The biggest problem was the phases.

MR. LANDER: As soon as they put Phase 2.

MR. PETRO: That means you have a plan, just say remaining lands then you're done.

MR. BABCOCK: To satisfy that problem, we had it in the past with Windsor Woods, they came in with a huge lot, they showed every lot proposed so he didn't meet the criteria and we're going to build this first 11 houses,

first with wells and whatever and then they came back with another section and another section, so the worst case scenario that you could have said to these people is have your engineer design on a 2 acre basis, the rest of the property possible proposal that may happen in the future, show it to you. We're not doing that now but where did we ever get by doing that if the guy isn't going to subdivide, you know what I mean, that's the whole thing.

MR. LANDER: There's still 85 acres in Marlboro, they didn't give the acreage but the thing is--

MR. ARGENIO: I agree with you on almost everything but I could not disagree with you more on this.

MR. BABCOCK: You've got to make sure it's apples and apples because if you have a Phase 2 project that affects all the drainage in Phase 1, affects the road in Phase 1, then there's some difference there, then there might be some problem.

MR. PETRO: We size up the culverts and piping.

MR. BABCOCK: But if you don't have any of that happening.

MR. PETRO: Just says remaining lands, not Phase 2, not doing anything.

MR. LANDER: Now we've got a 12 inch pipe instead of what they need for the rest of it, might have to be 36.

MR. KARNAVEZOS: You put in Phase 1 and then you go to put Phase 2 in and guess what, that 12 inch pipe ain't good, you have to rip it out and put 36 inch pipe.

MR. LANDER: Plus they skirt County Health Department.

MR. PETRO: Your time is up.

MR. BABCOCK: There's the answer.

MR. PETRO: Motion to adjourn.

May 28, 2003

38

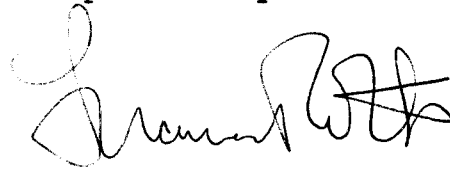
MR. ARGENIO: So moved.

MR. LANDER: Second it.

ROLL CALL

MR. LANDER	AYE
MR. MASON	AYE
MR. KARNAVEZOS	AYE
MR. ARGENIO	AYE
MR. PETRO	AYE

Respectfully Submitted By:

A handwritten signature in black ink, appearing to read 'Frances Roth', with a stylized flourish at the end.

Frances Roth
Stenographer